

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	1919.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	May 22, 2002
DATE OF REPORT:	June 21, 2002
REQUEST FOR RECONSIDERATION:	yes/no change
DATE OF CLOSURE:	July 30, 2002

**COMPLAINT ISSUES:**

Whether the Randolph Eastern School Corporation and the Greater Randolph Interlocal violated:

511 IAC 7-25-5(a) by failing to provide the parent, upon the parent's request, with information about where an independent educational evaluation may be obtained and the school's criteria applicable to independent evaluations.

511 IAC 7-27-3 by failing to include a speech-language pathologist in the case conference committee (CCC) meeting when one of the purposes of the meeting was to determine the student's eligibility as a student with a communication disorder.

511 IAC 7-27-2 and 511 IAC 7-17-3 by failing to provide the parent with adequate written notice of the CCC scheduled for May 17, 2002.

511 IAC 7-27-9(a)(4) by unilaterally determining the amount and type of services the student would receive prior to the CCC's development of the student's individualized education program (IEP).

**FINDINGS OF FACT:**

1. The student (Student) is 7 years old, and will be in the second grade next year, and is eligible for special education and related services as a student with a communication disorder.
2. Because of the discrepancy between an evaluation obtained by the parent and the evaluation conducted by the school (School), the Complainant requested an independent speech-language evaluation at the School's expense during the CCC meeting on February 13, 2002. The Principal sent a written response to the Complainant dated February 19, 2002, stating that the School would pay for an independent language evaluation, and at the Complainant's request, included a telephone number of an individual at the local university.
3. The Complainant also contacted the director of special education (Director) for information as to where an independent evaluation could be obtained. The complainant reports she specifically inquired about whether the local hospital was included in the list of independent evaluators, but the Director would not answer the question. The Director stated that the Complainant requested a list of independent educational evaluators. The Director informed the Complainant that a written list was not available and gave her the information verbally. The Director stated that he informed the Complainant that a local

university and a local hospital did evaluations, and provided the complainant with a telephone number for the university and a contact name.

4. The Complainant wrote a letter dated May 10, 2002, requesting that the speech-language pathologist attend the CCC meeting on May 17, 2002, since a communication disorder was to be discussed. Documentation shows that the speech-language pathologist attended the CCC meeting on May 17, 2002.
5. The Complainant did not receive any written notice of the CCC meeting scheduled for May 17, 2002. The principal stated that on May 9, 2002, she asked the Complainant if May 17, 2002, would be convenient for CCC meeting, and the complainant stated yes. The principal received a letter from the Complainant on May 10, 2002, requesting that the Director and the speech-language pathologist be present at the May 17, 2002, CCC meeting. The Director confirmed with the principal on May 15, 2002, that he would be in attendance at the CCC meeting, and the principal then informed the Complainant that the Director would be present at the May 17, 2002, CCC meeting.
6. The Complainant alleges that the principal unilaterally decided the amount and type of services the Student would receive at the CCC meeting convened on May 22, 2002. The principal recommended 15 minutes of speech therapy each week. The CCC report reflects no disagreement by CCC participants. The complainant signed the IEP.

#### **CONCLUSIONS:**

1. Findings of Fact #2 and #3 reflect that the Complainant requested information regarding an independent evaluation, and was given suggestions by the School. The School must provide the parent with information about where an independent educational evaluation may be obtained. Findings of Fact #2 and #3 reflect that the School provided the Complainant with information about the university and local hospital as options for an independent educational evaluation. Therefore, no violation of 511 IAC 7-25-5(a) is found.
2. Finding of Fact #4 indicates that the speech-language pathologist was in attendance at the May 17, 2002, CCC meeting at which time the Student's disability as a Student with a communication disability was discussed. A teacher licensed in the area of the Student's suspected disability must attend the CCC meeting. Therefore, no violation of 511 IAC 7-27-3 is found.
3. Finding of Fact #5 establishes that the Complainant did not receive a written notification of the CCC meeting scheduled for May 17, 2002. Therefore, a violation of 511 IAC 7-27-2 and 511 IAC 7-13-3 is found.
4. Finding of Fact #6 indicates that during the CCC meeting, the principal did suggest an amount of speech therapy services for the Student. However, the CCC agreed with the principal, and the Complainant signed the IEP in agreement. Determining the amount and type of services a student is to receive is a CCC decision. Therefore, no violation of 511 IAC 7-27-9(a)(4) is found.

**The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

#### **CORRECTIVE ACTION:**

The Randolph Eastern School Corporation and the Greater Randolph Interlocal shall:

Write an assurance letter stating that parents will be provided with adequate written notice of a CCC meeting as such notice is defined in 511 IAC 7-17-3 and 511 IAC 7-27-2. **A copy of the assurance statement shall be sent to the Division no later than July 12, 2002.**